

HAROLD D. WASHINGTON,)
)
Plaintiff,)
)
v.) Case No. 4:05CV01073 ERW
)
JO ANNE B. BARNHART,)
)
Commissioner of Social Security,)
)
Defendant.)

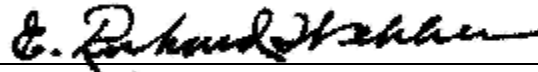
This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles pursuant to 28 U.S.C. § 636(b). The Court notes that no objections to the Report and Recommendation have been filed within the time afforded by 28 U.S.C. § 636(b)(1).

As detailed in the Report and Recommendation, a supplemental hearing by the Administrative Law Judge is necessary to develop a full and fair record with regard to Plaintiff's residual functional capacity. Furthermore, any credibility determinations made upon remand shall be based on facts in the record and include a specific and meaningful discussion of the factors in *Polaski v. Heckler*, 939 F.2d 1320 (8th Cir. 1984). Therefore, after consideration of the issues, the Court hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the decision of the Commissioner is reversed. The above-styled action is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings in accordance with the Report and Recommendation.

Dated this 26th day of July, 2006.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE